

REMARKS

Claims 1-5, 9-12, 16-23, 27-30 and 34-36 are pending. By this Amendment, claims 1, 9, 19, 27-30 and 34-36 are amended. Support for the amendments for these claims may be found in original claims 6, 7, 13, 15, 24, 26, 31 and 33, as well as in Fig. 12 and the discussion of that figure on p. 19 of the specification. Other amendments are made for clarity. No new matter is added. A Request for Continued Examination is attached. Reconsideration of the application in view of the above amendments and the following Remarks is respectfully requested.

The Office Action objects to the drawings and claims. The drawings are amended, as in the September 16, 2008 Amendment After Final Rejection, obviating the objections. While the October 28, 2008 Advisory Action indicates that the amendments in the Amendment After Final Rejection were entered for purposes of appeal, the amendments and accompanying remarks are repeated, so that the record is clear.

The Office Action objects to claim 18. Fig. 16 is hereby amended to obviate the Office Action's objection. Support for the amendment to Fig. 16 may be found in original claim 18 and in p. 23, line 8 - p. 24, line 13, for example. Withdrawal of the objection to claim 16 is respectfully solicited.

The Office Action objects to claims 1, 4, 9, 19 and 22 regarding the phrase "situation detection device". In particular, the Office Action states that if the base station control device disclosed in Figs. 2 and 4, for example, is an example of the "situation detection device" recited in the claims, then "applicant is advised to either amend the specification, drawings, and the claim to clearly state so, or cancel the said feature from the claims." However, Applicants respectfully submit that Figs. 2 and 4 already clearly show a situation detection device, because they show the base station control device, which is a device that detects a situation. Applicants further submit that neither the Code of Federal Regulations nor the

Manual of Patent Examination Procedure require that the drawings disclose the identical, verbatim term for a feature recited in the claims. See MPEP §608.02(d) (citing 37 CFR 1.83). Accordingly, Applicants respectfully request the withdrawal of the objection to claims 1, 4, 9, 19 and 22.

The Office Action objects to claim 4. Fig. 2 is amended to obviate the Office Action's objection. Support for the amendment to Fig. 2 may be found in original claim 4 and in p. 7, lines 19-25, for example. Withdrawal of the objection to claim 4 is respectfully solicited.

The Office Action objects to claim 12. Fig. 18 is amended to obviate the Office Action's objection. Support for the amendment to Fig. 18 may be found in original claim 12, and in p. 28, line 6 - p. 29 - 1, for example. Withdrawal of the objection is respectfully requested.

The Office Action rejects claims 1-36 under 35 U.S.C. §103(a) over U.S. Patent No. 6,529,135 to Cao in view of U.S. Patent No. 6,907,252 to Papadimas. This rejection is respectfully traversed.

The Office Action concedes that Cao does not disclose that the situation detection device is disposed in the dialogue place. The Office Action relies on Papadimas as supplying the missing subject matter. The Office Action's assertion is incorrect for at least the following reasons.

First, the Office Action asserts that:

"It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cao with Papadimas so that the situation detection device is disposed in the dialogue place. One would have been motivated to make such combination because both Cao and Papadimas disclose the need for detecting the presence of a mobile device in the proximity of a predetermined location, therefore the combination will yield a predictable result with reasonable expectation of success."

Further, the Office Action elaborates upon how one would have allegedly combined Cao with Papadias on p. 4 of the Office Action:

"Examiner respectfully disagrees as Papadias discloses using signals received by the base station to detect the location and movement of a mobile device, which is a mobile device location detection mechanism that is alternative to Cao's method of using GPS receivers. The two approaches serve the same purpose - to detect the geographical location of a device and its movement. Therefore, after the combination, Cao's GPS detection mechanism can be replaced by Papadias' base station detection mechanism." (emphasis added)

However, Applicants respectfully submit that such an alleged combination is improper. In particular, the GPS receiver in Cao works in a completely different way, and serves a completely different function, than the detector in Papadias, such that replacing one with the other would result in conflicts. For example, these are some of the differences between the detectors:

1. The user wireless module in Cao is carried by the user and tracks the user's location (see col. 5, line 11, for example), while the detector in Papadias is stationary and tracks whether users are in the vicinity of the detector's position (see col. 1, lines 25 and 64, for example);
2. the user wireless module in Cao determines the location of the user using GPS (see col. 5, lines 54 and 66, for example), while the detector in Papadias requires a base station 32 such as a tower (see Fig. 1), a mobile terminal 31 and an identification processor 34 (see Fig. 3), in order to determine whether users are in a predetermined vicinity;
3. the user wireless module in Cao outputs a position of the user (see col. 5, lines 50-51), while the detector in Papadias outputs a copy of a cell phone transmission signal (see col. 4, lines 17-19) and/or parameters representative of the cell phone signal envelope and of certain timing characteristics thereof (see col. 5, lines 8-10); and
4. the user wireless module in Cao uses GPS satellites (see col. 5, lines 54 and 66, for example) to determine its position and output the position to group location alert server 400 (see col. 6, lines 7-15, for example), while the detector in Papadias outputs to identification processor 34 (see Fig. 3 and col. 4, line 19, for example).

Thus, contrary to the assertion otherwise in the Office Action, the detector in Papadias is not an "alternative" to the user wireless module in Cao, the two devices do not "serve the same purpose", and Cao's GPS detection system cannot "be replaced by Papadias' station

detection mechanism." Doing so would destroy the usefulness of either system, or any combination of the two, for at least the following reasons:

1. because the detector in Papadias is stationary, it cannot be used to track the location of moving users as required by Cao;
2. because the detector in Papadias also requires the use of a mobile terminal, a base station such as a tower, and an identification processor, it would not work in the system in Cao, which does not include these further devices;
3. because the detector in Papadias only outputs a copy of a cell phone transmission signal and/or parameters representative of the cell phone signal envelope and of certain timing characteristics thereof, while identification processor 34 identifies detected mobile terminals based on the data sent from the detector (see col. 4, line 59), the detector in Papadias cannot provide the location of the user, as required by the system in Cao; and
4. because the detector in Papadias is configured to communicate with identification processor 34 and not group location alert server 400, it would be unable to communicate the location of users to group location alert server 400 in Cao.

In addition to all of the above problems, the Office Action further asserts that the detector is located in the dialogue place (p. 8 states: "Papadias teaches a situation detection device that is disposed in the dialogue place"), where the dialogue place may be a library or a meeting room in a building (p. 7, citing Cao col. 7, lines 1-27). This further modification of Cao, in addition to the replacement of the user wireless module with the detector in Papadias, creates even more conflicts.

In particular, if the detector in Papadias is already placed in the reference point such as the library, then it makes no sense to use the matching module 420 in group location alert server 400, onto which the Office Action reads the "situation monitoring section" recited in claim 1. In addition to the numerous problems identified above, Cao discloses that matching module 420 calculates a distance between the user modules 200, 300 and compares them to a predetermined threshold range. See col. 6, lines 45-47. However, if the detectors are disposed in the dialogue place, as required by independent claims 1, 9, 19, and 27, and as asserted by the Office Action, then it makes no sense to calculate the distance between them. They would all be in the same place and the distance between them would all be substantially

zero. Thus, if Cao and Papadias were combined as suggested by the Office Action, the combination would so extensively modify the principle of operation of Cao as to render the combination improper.

Second, the Office Action relies on various passages in Cao as disclosing the subject matter recited in claim 8. Cao does not disclose that the informing device informs that the detected situation conforms to the dialogue condition when the situation monitoring section judges that the detected situation conforms to the dialogue condition and the movement detection section detects that a person at the destination has moved, as recited in claim 1, and similarly recited in the other independent claims.

Cao discloses several examples in which a client is notified that a user is approaching the client's location (e.g. col. 2, lines 24-29). Cao does not disclose that these notifications are based on whether any movement is detected at the client's location. Accordingly, Cao does not disclose that the informing device informs that the detected situation conforms to the dialogue condition when the situation monitoring section judges that the detected situation conforms to the dialogue condition and the movement detection section detects that a person at the destination has moved, as recited in claim 1, and similarly recited in the other independent claims.

The October 28, 2008 Advisory Action indicates that "Applicant's arguments regarding Examiner's motivation for combining the primary reference and the secondary reference is deemed moot. The Examiner maintains the same motivation for combination presented in the final rejection." Applicants assert that the arguments are not moot and request that, if the Examiner continues to reject the claims, the Examiner fully respond to each of the arguments explained above.

In view of the above, the combination of applied references would not have suggested the combinations of features recited in claims 1, 9, 19 and 27. Thus, the combination of

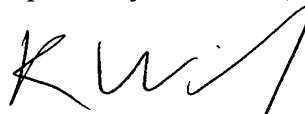
applied references would not have suggested the combinations of features recited in claims 2-5, 10-12, 16-18, 20-23, 28-30 and 34-36, for at least the respective dependence of these claims on an allowable base claim, as well as for the separately patentable subject that these claims recite.

Accordingly, reconsideration and withdrawal of the rejections of claims 1-5, 9-12, 16-23, 27-30 and 34-36 are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-5, 9-12, 16-23, 27-30 and 34-36 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Replacement Drawing Sheets (Figs. 2, 16 and 18)
Request for Continued Examination
Petition for Extension of Time

Date: January 16, 2009

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<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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Amendments to the Drawings:

The attached replacement drawing sheets make changes to Figs. 2, 16 and 18 and replace the original sheets with Figs. 2, 16 and 18

Attachment: Replacement Sheets